

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Middle School Cafetorium on the 24th day of March 2008 A.D. at 7:00 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Joanne M. Arruda (absent)	Louise Durfee
	Donald Bollin	Jay Edwards
	Paul E. Carroll	Brian A. Medeiros
	Hannibal F. Costa	

Town Administrator, James C. Goncalo
Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin at this time read all the items as listed on the Consent Agenda for approval.

Councilor Edwards requested the removal of Item A-3-c, A-3-g –and A-6.
Councilor Durfee requested to remove an Item from A-3 g.

A motion was made by Councilor Medeiros seconded by Councilor Edwards to approve the remaining items of the Consent Agenda. The motion carried by vote of 5-1, Councilor Bollin abstained.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1- Approval of Minutes of Previous Meetings.

- a. Approval of Minutes of Regular Town Council Meeting of March 10, 2008
- b. Approval of Executive Session Minutes March 10, 2008

A-2-Receipt of Minutes from Various Board and Commissions:

- a. Cemetery Commission
- b. Economic Development Commission
- c. Wastewater Management

A-3-Correspondence-Receive and File

- a. Received From Town of Portsmouth-Resolution Regarding School Housing Project Costs Amendment to RIGL-16-7-44
- b. Received From Armenian National Committee of RI Regarding Flag Raising on April 24th
- d. Received from City of Warwick Regarding Countywide Governmental Services
- e. Received from City of Warwick-Resolution Regarding Statewide E911 System
- f. Received from Town of Burrillville-Resolution Opposing H7448, Relating to Parks and Recreational Areas-Public Use of Private Lands-Liability Limitations.
- g. Received from Town Clerk-Correspondence Places in Council Boxes on March 14, 2008.
- h. Received by Town Administrator From Dan Beardsley, Executive Director RI League of Cities and Towns Regarding H7204-Caroulo Act.

A-4-Approval of Tax Assessor's Abatements

A-5-Approval of Tax Assessor's Board of Review Abatements

Correspondence Received from City of Warwick-Resolution Related to House Bill 7108-Prohibiting Language in Collective Bargaining Agreements Identifying a Specific Medical Insurance Company.

Councilor Edwards removed the item from the Consent Agenda, in regard to being able to negotiate Health Insurance, and then made a motion to urge our Legislators in supporting the House Bill No. 7108 on behalf of the Town of Tiverton. Councilor Carroll seconded the motion, which passed unanimously.

Correspondence placed in Council Boxes on March 14, 2008-Town Treasurer –Monthly Revenue & Budget Reports.

In reviewing the Monthly Budget Report, Councilor Edwards had concern in regard to overtime accounts for the Police would exceed by \$54,000 and Fire Department by \$67,000.00. Councilor Edwards asked if the matter was being addressed. Town Administrator responded it was being looked at, would exceed what was appropriated for the current year; Police Department asking for a transfer on tonight's agenda.

Correspondence in Council Boxes on March 14, 2008-Letter from Director J. Williams, Subject Sakonnet River Bridge Rehabilitation Program.

President Durfee removed the item; the letter was a lengthy response from Director of DOT as a result of meeting on February 4, 2008, the letter should be acknowledged that it was received by the Council, and that the Council would be making appointments to the Sakonnet Advisory Committee. President Durfee also requested that the appointed members receive a copy of the letter.

Town Clerk was requested to respond to Mr. Williams that the letter was received and taking action. Town Solicitor to keep in touch with Acting Chief Engineer, Kazem Farhoumand in implementing agreement with the Advisory Committee.

John Lincourt-W.W. Collection Superintendent-Requests Authorization for Town Administrator to Prepare Application Documents and Seek \$300,000.00 in Financing for Septic System Repairs Through the CSSLP.

Councilor Edwards had the impression that the Town Administrator was going to withdraw the item from the Agenda.

A motion was made by Councilor Edwards to continue the matter to the next Council meeting of April 14, 2008. The motion was seconded by Councilor Costa, which passed unanimously.

PUBLIC HEARINGS

Steve Ostiguy, Church Community Housing-Second Public Hearing- Community Development Block Grant Program.

The Second Public Hearing was duly advertised in the Sakonnet Times on March 13, 2008:

Mr. Christian Beldon, representative from the Church Community Housing was present. The second Public Hearing was to receive input from the residents in regard to the Block Grant application going forward to State on April 17, 2008. The Council should take action after closing the Public Hearing and may choose to change the priority on the list.

President Durfee opened the Public Hearing for public comments.

Mr. Peter Moniz requested the information listed on the application. President Durfee read the list. There was one amendment added from prior Public Hearing. (Funding for replacement of Senior Center Roof)

Being no further comments from the public, President Durfee closed the public portion of the Public Hearing.

A motion was made by Councilor Edwards to accept the funding application as presented .for the 2008 Community Development Block Grant. Councilor Medeiros seconded the motion and then passes unanimously.

The Application was as follows:

TOWN OF TIVERTON
PUBLIC HEARING
2008 COMMUNITY DEVELOPMENT BLOCK GRANT

The Town of Tiverton is preparing a Community Development Block Grant application for up to \$250,000.00 to undertake the following activities:

- 1) Public Facilities: Provide improvements for street, sidewalks, and extension of sewer lines in the area bounded by State Street, Fish Road, Hooper Street and Main Road.
Amount \$163,000
- 2) Public Facilities: Provide funding to support the replacement of the roof of the Tiverton Senior Center.
Amount \$29,000
- 3) Public Facilities: Support East Bay Community Action Program to carry out renovations at their Head Start Facility at 1048 Stafford Road.
Amount \$5,000
- 4) Public Services: Support for the Women's Resource Center of Newport and Bristol Counties to provide counseling and advocacy services to victims of domestic violence. Amount \$5,000
- 5) Housing Development: Provide funding to the Women's Resource Center for the acquisition of property to be used for transitional housing to serve victims of domestic violence.
Amount \$10,000 (not subject to \$250,000 limit)
- 6) Public Services: Support for the Housing Hotline of Newport County to provide housing counseling and referral services.
Amount \$2,000.
- 7) CCHC Operating Cost-Regional Revolving Loan Fund, Homeowner Assistance, RI Housing Home Repair programs, commercial rehab, foreclosure prevention, neighborhood revitalization and planning.
Amount \$25,000
- 8) Housing Operating: Provide operating support to the Community Housing Land Trust of RI for technical assistance, training and monitoring of affordable housing units. Amount \$3,000
- 9) Acquisition: Provide funds to Church Community Housing Corp. to help support the creation of 50 affordable housing opportunities as proposed in the Sandywoods Farm Plan and the Tiverton Affordable Housing Plan.
Amount \$200,000 (above the \$250,000 maximum request)
- 10) Planning: Provide funds to develop a neighborhood streetscape and commercial revitalization plan for the area bounded by Sate Street, Fish Road, Hooper Street, and Main Road. Amount \$10,000
- 11) Town Administration: Amount \$8,000

Public Hearing-Amendment of Zoning Map and Zoning Ordinance

a. Correspondence Received From Tiverton Open Space and Land Preservation Commission and the Nature Conservancy of RI

The Public Notice was duly advertised as an Insert in the Local Sakonnet Times newspaper on March 6, March 13 and March 20, 2008.

Notice is hereby given that a Public Hearing will be held by the Tiverton Town Council on Monday, March 24, 2008 at 7:00 p.m. at the Tiverton Middle School, 10 Quintal Drive, Tiverton, Rhode Island: Anyone wishing to be heard on these revisions should be present at the aforementioned date and time. A copy of these proposed amendments is available for public examination in the office of the Town Clerk, 343 Highland Road, Tiverton, RI. between the hours of 8:30 a.m. and 3:30 p.m., Mondays through Fridays and at the Essex Library during normal library business hours. The Town Hall and Essex Library are handicapped accessible. Persons requiring assistance should contact the Office of the Town Clerk at 625-6703 at least three business days prior to the hearing date.

The proposed revisions may be altered or further amended prior to the close of the public hearing without further advertising as a result of further study or because of views expressed at the public hearing. Any alteration or amendment must be presented for comment at the public hearing. Amendments take effect upon passage.

SUMMARY OF ZONING MAP AMENDMENTS

- 1) Highway Commercial (HC) to R-40 Residential: This map amendment changes the Zoning District from HC to R-40 for all undeveloped land bounded on the North by Souza Road, on the south by Route 24, to the west by Main Road, and to the east by the Viti Automobile Dealership.
- 2) Waterfront (W) to General Commercial (GC): This map amendment changes the Zoning District from W to GC for the developed land between Old Main Road and Main Road, north of Carey Lane, that had been changed incorrectly from GC to W in 2001, creating existing nonconforming commercial uses.
- 3) Updating to Open Space (OS): This map amendment changes the Zoning District to OS for specific undeveloped land parcels; the large number of lots purchased for preservation as permanent open space since the Zoning Map amendment in 2001, require this corrective update.

The revised locations of existing districts and the locations of new districts are shown in the relevant "Proposed Tiverton Zoning Maps" as shown as part of this advertisement.

SUMMARY OF TEXT AMENDMENTS

- 1) Article II-Definitions: Delete definition (104) *Retail Business, Office, and/or Consumer Service Complex*; and replace with new definitions (104a) *Retail Business, Office, and/or Consumer Service Complex and (104b) Shopping Centers, Malls, Mini-malls, and Strip-malls.*
- 2) Article IV-District Use Regulations; Use Code Changes: 2d (Mixed-use Residential) to S in the HC Zone; Use Code 10c (Single or Multiple Structure Shopping Centers etc.) to N in the GC and HC Zones; and Use Code 10d (Retail Business, Office and/or Consumer Service Complex) to S in the GC and HC Zones.
- 3) Article VI-Other District Regulations: Amend Section 8 to provide for additional standards for unaccepted streets.
- 4) Article XVIII-Enforcement and Administration: Amend Section c to provide for the zoning certificate fee to be set by Town Council.

President Durfee opened the Public Hearing:

Mr. Noel Berg Chair of the Planning Board gave a general statement on the proposed amendments.

The Comprehensive Community Plan Update was approved on September 25, 2006. The Town Council directed the Planning Board to review the zoning map and ordinance to resolve the inconsistencies of the current zoning and to make the current zoning consistent with the Comprehensive Plan. Mr. Berg then gave an overview of the changes as summarized in the advertisement above.

Some of the Major Concerns expressed were:

1. Attorney Scott Spear, representing Mr. James McGuinness, owner of property on the South Side of Souza Road approximately 43.8 acres expressed opposition of Map Change to R40 Zone and text change that would prohibit certain use of facilities. The change would not be in the best interest of the Town. Mr. McGuinness as of today, 3/24/08 as property owner, not as a developer, filed a Master Plan with the Planning Board. A proposal for Highway Commercial Zone, a much smaller scale, a 247,000 square foot complex than what was originally proposed by NED and denied... The proposal uses, were currently permitted, 7 acres to be set aside for municipal uses, new Town Hall, Library, Police and Fire Dept. No big boxes like Wal-Mart, the largest retail would be 39,000 sq. feet smaller retail that would attract more local businesses.. Attorney Spear on behalf of Mr. McGuinness strongly urged that the Town Council postpone taking action, to allow both Planning Board and Town Council to study the application.

Mr. Bernard Giroux, also represented James McGuinness, expressed opposition to the Zoning Change from Highway Commercial to medium density Residential R40, urged that the application filed to the Planning Board be considered.

Mr. Lester Cory, owner of 40 acres of property on Canning Blvd. zoned Highway Commercial, did not want Big Box, however had a concern with verbiage Article II Definitions section 104a, "total aggregate structure shall not exceed 40,000 square feet, that would limit the use of his property (Page 7) requested to strike out that section. Page 8- District Use Regulations, section 10 –c- Not sure if he wanted mini mall or Town for that matter, but asked that the N (not be allowed) not be adopted in HC and to leave S (Special Use Permit).

Mr. Scott Humphrey of Nanaquaket Road, also owner of a small business in town, seemed like the Town was taking away more and more commercial areas, in his case had spent a lot of money in defending trying to expand his property. Town not supporting business, need support and cooperation from the Town, as a resident did not want to pay more taxes.

Mr. John Foley on behalf of the Tiverton Alliance Group to preserve Tiverton strongly supported the proposals, map change and the amendments to the Zoning Ordinance. The plan filed by today by Mr. McGuinness should not had been discussed at this hearing, not the proper forum.

Mr. Robert Martin, long time resident welcomed something like the Wrentham Village concept. Tiverton residents go to Fall River to shop, need small retail, such as a grocery store, need tax revenue.

Mr. Roger Bennis, Narragansett Ave. was in opposition of most of the Zoning Changes. Up and down Tiverton Streets, For Sale Signs. Tiverton needs revenue, town as a whole misinterprets rural development; for rich people with money. Town should be regulating business instead of banning business. Allowed some businesses on Main Road with no parking places, or a business with spotlight in a residential neighborhood..

Mr. Cecil Leonard of Neck Road - For Sale signs are not only in Tiverton, they are across the country.-urged that the Town reconstitute Main Road, need careful support of small local business. The Town does not need large supermarket, not be able to compete with other supermarkets in close proximity in Fall River.

Mr. Peter Corr of Main Road and a member of the Planning Board-the Stone Bridge Water Authority requested that Lot 92A at the end of North Brayton Road not be changed to Open Space. (for clarification on the Map advertised as Block 113, Card 96)

Mr. Philip Godek, requesting that Lot 27 –R40, located at 1019 Main Road, be included in the proposed rezoning of Waterfront (w) to General Commercial (GC) Block 50, Cards 1,2,3 and to be part of Card 4.

Mr. Gordon Craig, North Christopher Ave. (Brayton Woods Association) the Water Dept. had amended Card 115-196, notices were mailed out to abutters within 500 feet, the lot 96 on the map, was a buffer for new school to residential area. The matter should have been clarified before being advertised and prior to mailing. For the record, submitted a petition with 39 signatures from residents urging lot 96 remain R60.

Town Solicitor, Andrew M. Teitz, for the record received correspondence in regard to the proposals.

1. Mr. Philip Godek- In regard to lot 27 of a R40 since 2001, requesting it be included in the rezoning of Waterfront to General Commercial.
2. Mr. Kenneth Mason, City of Newport, noting that Block 121 Card 36 proposed to be changed from R-80 to OS. City of Newport has and maintains an easement through that parcel.
3. Letter from Tiverton Open Space requesting Block 117 Card 14A and Block 117 Card 40 be deferred pending review by the Open Space Commission and in cooperation with and on behalf of Nature Conservancy to defer Block 117-Card 15, 21, 24.

Town Solicitor, Andrew M. Teitz made comment that letter from Mr. Godek regarding Lot 27, may have a valid point, the lot was outside of the area to be rezoned because of an error. Could go to Planning Board requesting a map change.

Letter from City of Newport, relating to an easement, was not relevant.

Request from Open Space and Nature Conservancy and from Stone Bridge Water was relevant; the purpose of Public Hearings is for public comments. Now up to the Council, they may want to take action, withdraw part or continue the entire matter.

Town Solicitor, as a lawyer and planner, comments were made that the Town should regulate business; the Comprehensive Plan does exactly that, some areas to be commercial and other areas not to be commercial.

Mr. Noel Berg approached the Council urged that action be taken on the proposed changes.

The application for a master plan was submitted at the last minute, his understanding it would be grandfathered in as long as the plans are complete.

Mr. Peter Corr, in regard to Block 113, Card 96, lot on Brayton Road was donated by Stone Bridge Water Authority as a buffer for the new school, that was put on for proposal by mistake, unfortunate notice went to abutters.

President Durfee at this time closed the Public portion of the Public Hearing and opened to Council for comments.

Councilor Bollin made a motion that in light of letter from Tiverton Open Space Block 117 Card 14A, Block 118 Card 40, and in cooperation with Nature Conservancy of RI, Block 117 Cards 15, 21 and 24 be removed from consideration at this time. Councilor Edwards seconded the motion. The motion meant to table the matter.

As a parliamentary procedure on the proposed amendments, Town Solicitor suggested that the motion would be to approve all or make amendments.

President Durfee suggested taking action on the Map Changes first, and vote on the separate recommendations.

- 1) Highway Commercial, to R40 Residential all undeveloped land bounded on the North by Souza Road, on the south by Route 24, to the west by Main Road, and to the East by the Viti Automobile Dealership.

Councilor Costa was in favor of keeping that section as Highway Commercial, there was no need for more residential.

Councilor Carroll, was in agreement with Councilor Costa, don't want to give up Highway Commercial piece by piece. Not going to support the change.

President Durfee, the Council had adopted and approved the Comprehensive Plan in 2006, the purpose of the proposed amendments to be in conformance to the Comprehensive Plan. The Souza area was one of the areas that

was agreed to make in conformity with the Comprehensive Plan. Struggled for a long time with this issue, just planning for the future of the Town.

Councilor Medeiros, Planning Board and the Council had extensive public hearings trying to balance for small town. The Planning Board was charged with the project, and forwarded their recommendation to make south side of Souza Road residential.

Councilor Bollin noted that local businesses would have the opportunity to expand in the Industrial Park, which is now owned by the town.

Councilor Edwards commented that the North Side of Souza Road completely residential, the other side should not be commercial. Did not want to see anything like Wrentham Village on Souza Road.

**Item 1, as listed on the Notice: for Map Change:
Highway Commercial (HC) to R-40 Residential.**

A motion was made by Councilor Medeiros, seconded by Councilor Edwards to approve the recommendation. The motion passed by vote of 4-2, Councilors Costa and Carroll opposed.

Item 2-Waterfront (W) to General Commercial (GC)

Councilor Bollin made a motion to approve the recommendation. The motion was seconded by Councilor Costa and passed unanimously.

Item 3-Updating Open Space (OS):

A motion had been made by Councilor Bollin and seconded by Councilor Edwards to table the requests made by the Open Space Commission, and with cooperation of Nature Conservancy.

Some discussion ensued, not clear as to remove all of the Open Space issues or continue the matter. Councilor Edwards was ready to take action except for the three that had problems. To avoid costly readvertising may continue the entire Open Space issues to a date certain, rather than take action on separate cards involving Open Space.

Councilor Bollin made a motion to continue all of the Open Space changes to May 12, 2008 Council Meeting. Councilor Carroll seconded the motion. The motion carried by vote of 5-1, Councilor Edwards opposed.

Zoning Ordinance Amendments:

Article II Definitions: Page 7- Section (104) to be replaced with (104a) and 104b)

Mr. Lester Cory had a concern with language in (104a) aggregate structures shall not exceed 40,000 sq. ft. Needed more clarification

Town Solicitor was hesitant to give any solution, all tied into density requirements in subdivisions, and commercial

FAR -Floor Area Ratio- Mr. Berg of Planning Board, looked at Main Road area, did not want connected structures, trying to break up strip malls to a nice looking building,, aggregate units to not exceed 40,000 sq. ft. and for any connected structure.

Town Solicitor requested the Council continue, to allow him to come up with specific language for that section.

Article IV-Section 10-Retail Business: sub section c: GC- HC

A motion was made by Councilor Edwards to leave as it currently exists,” S” (Special Permit) under GC and HC. Councilor Costa seconded the motion.

Councilor Edwards amended his motion, change classification as proposed, and by use to remain as “S” (Special Permit) under **GC** and **HC**. Councilor Bollin seconded the motion, which passed unanimously.

Article IV Section 10-Retail Business- sub section d

Councilor Edwards made a motion to adopt sub section (d) as proposed to reflect the change in GC and HC from “P” to “S” Special Use. Councilor Medeiros seconded the motion and passed by vote of 4-2, Councilors Carroll and Bollin opposed

Section 10. Retail business. *

	<i>R-30</i>	<i>R-40</i>	<i>R-60</i>	<u><i>R-80</i></u>	<i>VC</i>	<i>GC</i>	<i>HC</i>	<i>W</i>	<i>I</i>	<i>OS</i>
a. General retail business, including but not limited to: grocery/convenience store, pharmacy, hardware store, variety/general merchandise store, furniture/household goods store	N	N	N	N	S	P	P	S	N	N
b. Specialty retail business, including but not limited to: antique store, book store, decorative arts/house-ware/furnishings store, specialty food store	N	N	N	N	P	P	P	S	N	N
c.	N	N	N	N	N	S	S	N	N	N
<i>Single or multiple structure shopping centers, malls, mini-malls and strip-malls</i>										
d. Retail business, office and/or consumer service complex	N	N	N	N	N	S	S	S	P	N
e. Retail sales accessory to the manufacture or assembly of products on the premises	N	N	N	N	N	P	P	S	P	N

Noel Berg 2/19/07 12:41 PM

Deleted: Supermarket/department store, discount center, furniture or other chain retail outlet, including shopping centers *

Noel Berg 2/19/07 12:55 PM

Deleted: P

Noel Berg 2/19/07 12:56 PM

Deleted: P

Article IV –Section 2-Residential Uses: sub section d Mixed Use Residential

Change of Use in HC from “N” (not permitted) to “S”(Special Use).

Councilor Carroll made a motion to adopt the change recommended in HC from not permitted “N” to special use “S”. Councilor Medeiros seconded the motion, which passed unanimously.

Section 2. Residential uses.

		R-30	R-40	R-60	R-80	VC	GC	HC	W	I	OS
a.	Single-family dwelling	P	P	P	P	S	N	N	N	N	N
b.	Two-family dwelling	P	N	P	N	N	N	N	N	N	N
c.	Multi-family structure or apartment house	S	N	S	N	N	N	N	N	N	N
d.	Mixed-use residential	N	N	N	N	S	P	S	S	N	N

Noel Berg 2/21/07 11:12 AM
Deleted: N

At this time returned to **Article II –Definitions Remove 104 and replace with 104a and 104b.**

Town Solicitor, Andrew M. Teitz, because of concerns expressed during the public hearing, amended the proposed language in 104a and 104b

Councilor Edwards made a motion to adopt the definitions as amended by Town Solicitor, Andrew M. Teitz. Councilor Medeiros seconded the motion, which passed unanimously.

The language was as follows:

(104a) *Retail business, office, and/or consumer service complex:* A development of one or more commercial establishments, primarily retail, office, and/or consumer service-oriented in nature, located on a single parcel or contiguous parcels and consisting of 5,000 gross square feet of floor space or more, or a total land area of 20,000 square feet or more. The footprint area of any single structure and / or the total aggregate footprint of connected structures shall not exceed 40,000 square feet. The associated parking and circulation area per structure or connected structure shall not exceed 60,000 square feet. For the purpose of this section any structures located within 20 feet of each other shall be deemed to be connected structures.

These developments may include, but are not limited to, a variety of retail shops that specialize in food, quality apparel, hard goods and services such as grocery stores, department stores, real estate offices, dance studios, florists and small restaurants.

Such developments shall be considered land development projects, as defined here-in, and shall be reviewed as major land developments in accordance with the land development and subdivision regulations of the Town of Tiverton and approved by the planning board.

(104b) *Shopping centers, malls, mini-malls and strip-malls:* A development of an integrated group of commercial establishments, including supermarkets, exceeding 40,000 square feet that is planned, developed, owned and managed as a unit and may contain non-merchandising facilities as well, such as office buildings, movie theaters, restaurants, post offices, banks, health clubs and recreational facilities (for example, ice skating rinks or indoor miniature golf courses). A shopping center's composition is related to its market area in terms of size, location and type of store. A shopping center also provides on-site parking facilities sufficient to serve its own parking demands.

Article VI-Other District Regulations-Section 8-Unaccepted streets.-Additional Standards.

Following much discussion in regard to the matter.

A motion was made by Councilor Bollin to accept the recommendations as proposed. Councilor Edwards seconded the motion. The motion carried by vote of 5-1, Councilor Carroll opposed.

Adopted as follows:

Change to Sub section b- ***Bold Italics***

b. Building permits shall not be issued for lots fronting on a platted, unaccepted street unless the unaccepted street or road serving the house lot is constructed in accordance with the following “standards for unaccepted streets: and completed along the *entire* length of the *physical lot frontage as well as the length of the street, which is used to access the lot*, to a state of completion that is satisfactory to the *Director of Public Works*.

Change to sub section f. –***Bold Italics***:

f. The *following “Standards for unaccepted streets”* shall apply to streets or roads constructed after the date of the adoption of this ordinance.

Change to Sub section 1. ***Bold Italics***:

1. Minimum travel width: Two ten feet lanes, 20feet total *plus a minimum cleared shoulder width of five (5) feet on both sides of the twenty (20) foot street.*

4. The lot owner shall provide all easements that may be required for construction of the “T-shaped turnaround” as well as road construction.

Article XVIII-Enforcement and Administration Section 1-Zoning Officer

Only one change sub section c. Last sentence

c. The Zoning officer shall, upon written request, issue a zoning certificate to the requesting party as to the determination by the zoning officer within 15 days of the written request. In the event that no written response is provided within that time, the requesting party shall have the right to appeal to the zoning board of review for the determination. The fee for the issuance of a zoning certificate shall be *set by the Tiverton Town Council.*

Councilor Bollin made a motion to adopt the change as proposed. Councilor Carroll seconded the motion and then passed unanimously.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

J & A Landscaping-Request Street Excavators License Renewal-Subject to Meeting All Legal Requirements:

A motion was made by Councilor Bollin to grant the Street Excavators License Renewal to J & A Landscaping subject to meeting all legal requirements. Councilor Edwards seconded the motion and then passed unanimously.

St. Theresa’s Parish, Karen J. Lucas-Request Class F Liquor License –August 1, August 2, August 3, 2008

Councilor Bollin made a motion to grant the three One Day Class F Liquor Licenses as request by St. Theresa’s Parish. Councilor Carroll seconded the motion, which passed unanimously.

APPOINTMENTS & RESIGNATIONS

Christopher Nearpass-Seeking Re-appointment to Wastewater Management Commission:

User 4/2/08 10:09 AM

Deleted: \$300.00

A motion was made by Councilor Bollin, seconded by Councilor Carroll to reappoint Christopher Nearpass as member to the Wastewater Management Commission to a term expiring on June 30, 2010. The motion passed unanimously.

Appointments to New Sakonnet Bridge Advisory Committee- Per Council Resolution Town Administrator (Chair), DPW Director, Town Planner, Town Clerk (ex-officio as Secretary)

- a. Noel Berg-Chair Planning Board
- b. Tom Ramotowski-Chair Conservation Commission
- c. John McEwing-Harbor and Coastal Water Commission
- d. Three Members From Public Within 1000 Feet of Bridge
 - 1. Franklin Raposa, 88 Evans Avenue One Year Term
 - 2. Henry Curran, 132 Evans Avenue Two Year Term
 - 3. Glen Brown, 59 Evans Avenue Three Year Term
- e. Member of the Town Council

A motion was made by Councilor Edwards, seconded by President Durfee to appoint Councilor Joanne Arruda to the Committee. The vote was 2-0-4; Councilors Bollin, Carroll, Costa and Medeiros abstained.

- f. Harbormaster-Philip Lapointe

Appointments to Resolution Implementing Establishment of the Stone Bridge Committee.

Membership- Shall be composed of:

- a. The Town Planner (Chair) Christopher Spencer
- b. The Director of Public Works -Stephen Berlucchi
- c. Harbormaster-Philip Lapointe
- d. Chair of the Planning Board --Chair Noel Berg
- e. Chair of the Recreation Commission --Jack Cook
- f. Chair of the Harbor and Coastal Waters Commission-Chair John McEwing
- g. Chair of the Economic Development-Chair—Leonard Schmidt
- h. One member who owns or manages a business in the Stone Bridge vicinity, No applicant at this time
- i. Two members of the public-No applicants at this time.

No members of the public had come forward at this time. Councilor Carroll made a motion seconded by Councilor Medeiros to continue the matter to the next Council meeting of April 14, 2008 for public appointments. The motion passed unanimously.

FINANCIAL BUSINESS:

DPW-- Stephen Berlucchi-Request Release of Carried Forward Funds.

- a. **From Account #553-442 (Landfill Equip. Rental, Cover) for \$30,000.00 to Current F/Y**

Mr. Stephen Berlucchi, Director of Public Works requesting the release of \$30,000.00 from carried forward Account #553-442 to current FY Account #553-442. Only \$9,470.56 left in the (Landfill Equip, Rental, Cover) Account, need at least \$9,000.00 to rent Tub Grinder for the chipping of brush at the landfill, seeding, etc.

A motion was made by Councilor Edwards seconded by Councilor Bollin to release \$30,000.00 carried forward Account #553-442 to current FY Account #553-442 (Landfill Equip. Rental, Cover). The motion carried unanimously.

b. From Account #554-794 (Paving) for \$86,752.06 to Current F/Y.

This was the third year of the Paving Bid at \$54.00 per ton, after July 1st new bids anticipating anywhere from \$75.00 to \$80.00 per ton. Anticipate paving before the end of the fiscal year.

A motion was made by Councilor Bollin seconded by Councilor Carroll to release \$86,752.06 from the carried forward Account #554-794 (Paving) to the current F/Y. The motion passed unanimously.

TPD-Chief Blakey-Requests Transfer of Funds

a. \$40,000 From Account #333-101 (Police Salary) to Account #333-102 (Police Overtime)

Councilor Edwards made a motion to transfer the \$40,000.00 from Account #333-101 to Account #333-102 as requested by the Police Chief. The motion carried unanimously.

b. \$8,050.00 From Account #333-101 (Police Salary) to Account #333-115 (Police Education Incentive)

A motion was made by Councilor Carroll seconded by Councilor Medeiros to grant the transfer of \$8,050.00 from Account #333-101 (Police Salary) to Account #333-115 (Police Education Incentive). The motion passed unanimously.

NEW BUSINESS:

Jack Cook/Gary Rose, Recreation Commission-Brief Update of Planned Fundraising for Bulgarmarsh Park

Mr. Gary Rose member of the Recreation Commission gave a brief update of activities on the Fundraising efforts for the Bulgarmarsh Park Renovations.

Sending Literature to area residents in regard to purchase of bricks for the Brick Walk at the Park

Comedy Basketball Act at the High School April 20, 2008 at 2:00 p.m. .

Tree purchase \$600.00

Park Bench \$1500.00

Seeking Corporate Sponsors.

Scheduling Carnival, Concert, and Dinner Dance for the summer, dates to be announced.

President Durfee thanked the Committee for their efforts.

BIDS & REQUESTS FOR PROPOSALS

James Goncalo, Town Administrator-Request Permission to Award Dump Trailer Bid to Wright Trailers, Inc. for \$5,295.00

Town Administrator, James C. Goncalo, requesting the bid for the Dump Trailer, which was duly advertised and opened on March 14, 2008 be awarded to the only bidder, Wright Trailers, Inc. of Seekonk, MA. in the amount of \$5,295.00.

Councilor Edwards made a motion to award the bid to Wright Trailers, Inc. of Seekonk, MA for the Dump Trailer in the amount of \$5,295.00. The motion was seconded by Councilor Carroll and then passed unanimously.

James Goncalo, Town Administrator-Request Approval of Contract for Pocasset Hill Cemetery Labor and Maintenance and Award to Ronald Helger-Recommended by the Cemetery Commission:

Town Administrator, James C. Goncalo requesting approval to award the Pocasset Hill Cemetery Labor and Maintenance Contract to Ronald Helger and recommended by the Cemetery Commission.

Councilor Costa made a motion to award and approve the Contract for the Labor and Maintenance of the Pocasset Hill Cemetery to Ronald Helger of Tiverton, RI. The motion was seconded by Councilor Medeiros, which passed unanimously.

Geraldine A. Holewiak, Tax Collector, Request Permission to Waive Bid for Process of Printing Tax Bills and Processing Tax Rolls.

Geraldine A. Holewiak, Tax Collector, requesting approval to waive the bid process for printing of Tax Bills and processing Tax Rolls. The estimated total cost by Document Technologies, Inc. was \$8,8825.00.

A motion was made by Councilor Edwards seconded by Councilor Carroll to waive the bid process as requested by Tax Collector. The motion passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS
PUBLIC ANNOUNCEMENTS:

1. Thanked Police Chief Thomas Blakey for his participation in the Easter Egg Hunt held at Pardon Gray last Saturday.
2. Tax Collector's Office will be open on Saturday, April 5, from 9:00 a.m. to 12:30 p.m for the 4th Quarter Tax payment.
3. DPW will be repairing damaged Catch Basins on Judson Street and bottom of Bay Street.
4. Submitted the approved \$20M Bond for the Fort Barton and Pocasset Schools.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Medeiros questioned the flooding problem on Fish Road caused by the Quarry, could anything be done on a temporary basis by the Public Works to eliminate the issue.

Public Works Director, Stephen Berlucchi looked at a couple of ways, sometimes water goes across to other side of road, too deep, have to close the road to traffic, sometimes ½ way into the middle of the road, cars splashing, placing barriers not always seen, hard to control traffic, in the winter Public Works Department can't put salt down fast enough. Mr. Berlucchi has met with the owner of the Quarry it is a very difficult situation. Keeping a running total for all the money used for equipment, man power etc. Bill will be sent to Viking Stone, the cost should not be the burden of the Taxpayer.
Town cannot go on private property to pump, wetlands. It is the responsibility of property owner to contain the water.

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Andrew M. Teitz, Town Solicitor provided documents:

1. **Memorandum** –Requesting Referral to Zoning Board for Show Cause Hearing on Quarry License for Viking Stone. The issue does not go through the Council, the hearing was set forth for April 8, 2008 before the Zoning Board of Review.
2. **Bourne Mill Project—Requesting to Ratify Final Documents:**
 - a. **Ordinance for Street Acceptance** -- project was going forward, Both Ordinances were approved and amended on May 29, 2007, cleaning up the language and the attached exhibits, making sure Mill Street is a public St. and the owners responsibility to maintain the street.
 - b. **Ordinance for Street Abandonment**

- c. Operation & Maintenance Agreement
- d. Pump Station Access Easement
- e. Sanitary Sewer Utility Easement

A motion was made by Councilor Edwards to ratify the documents, seconded by Councilor Medeiros. The motion passed unanimously.

3. Resolution of Town Council Requesting Enabling Legislation Regarding Town Held Property Being Transferred:

Town Solicitor prepared a Resolution to be forwarded to legislators in regard to Tax Sale Title. Submitted Resolution last year, one section was approved one was not. Requesting that Title 44 Taxation CHAPTER 44-9 Tax Sales be amended 44-9-18.3. Tiverton—Assignments to the Tiverton Land Trust—Notwithstanding the provisions of 44-9-18, the town treasurer of the town of Tiverton, with the approval of the Town Council, may transfer and assign any or all tax titles held by the town for no monetary consideration to the Tiverton Land Trust, Incorporated, a non-profit Rhode Island corporation, and further shall not be required to send notice of any intended transfer or assignment to the owner of record. The transfer or assignment shall not confer upon the Tiverton Land Trust, Incorporated any greater rights or responsibilities than those granted to or imposed upon the town of Tiverton as original holder of the tax title, **provided however, that for any Tax Assessor's lots that are unimproved and contain less than one half of the required minimum lot area required by the Zoning Ordinance to construct a dwelling unit in such zoning district, and if the Tiverton Town Council shall have identified the land in question as worthy of preservation as Open Space, the Tiverton Land Trust, Incorporated shall have the right to process in the same manner as the town of Tiverton, its inspector of buildings, and its treasurer would be able to do so under 44-9-25.2.** The Tiverton Land Trust, Incorporated shall hold any tax title transferred or assigned subject to any and all rights of redemption held by the owner of record and/or his or her successors and assigns in title. Any and all statutory redemption costs shall be paid to the Town of Tiverton and the Tiverton Land Trust, Incorporated. Notwithstanding the foregoing, the Tiverton Land Trust, Incorporated shall also hold and be permitted to exercise any rights that the town of Tiverton previously held, including the right to petition for foreclosure of any rights of redemption, **including under 44-9-25-2.**

President Durfee recused herself from the matter.

Vice President Bollin presided over the meeting.

Town Solicitor noted that the Land Trust would still need to go to Superior Court, subject to Foreclosure rights of redemption; foreclosures are very costly, still need to send notice, but no need to do genealogical research, less costly.

Councilor Medeiros made a motion to approve the Resolution dated March 24, 2008 to be sent to Legislators. The motion was seconded by Councilor Carroll and passed by vote of 4-1-1, Councilor Edwards opposed, Councilor Costa abstained.

President Durfee returned for the continuation of the meeting.

Vice President Bollin turned over the meeting to President Durfee.

4. Distribution of Council Requested Draft of "Model Contract"

At the last Council Meeting, Town Solicitor had been requested to prepare a "Model Employment Contract". The contract was only for distribution at this point.

Councilor Edwards questioned the Health Insurance was still in the contract. By consensus, the majority of the members wanted to leave that section in, however the numbers were different, replied Town Solicitor.

5- Corvello v. N.E. Gas Documents for Distribution

a. Motion of N.E.Gas- An Emergency Motion trying to postpone Trial

b. Order of District Court in Response to Motion, Delaying Tiverton Part of Trial

Not successful, Court separated out Town of Tiverton from the 1st Trial—Tiverton filed a counter claim against NE Gas for contributing to contamination.

Tiverton in second or third phase of trial.

Mediation hearings on Bay Street Contamination scheduled in Providence on Wednesday, Thursday, Friday of this week. Trial to begin end of April 23, 24, Judge indicated no intention to postpone.

c. Deposition Transcript Invoices.

Provided only the cover page of invoices for transcript fees from depositions for Corvello v. NE Gas that took place between January 4, 2008 and March 6, 2008. Costs for transcripts was \$47,804.20.

d. Schedule Special Town Council Meetings:

Wednesday, March 26, at 7:00 p.m.

Thursday, March 27, at 7:00 p.m.

Friday, March 28 at Noon

May not need all of them, hoping for a Settlement. All the meetings had been posted, can be cancelled

CLOSED EXECUTIVE SESSION

Town Solicitor-Litigation-42-46-5(a)(2)

Town Council- 42-46-5(a)(5)-Acquisition or Disposition of Town Held Property

Town Administrator-Personnel-42-46-5(a)(1)-Gareth Eames, Code Enforcement Officer-Notice Given

A motion was made by Councilor Bollin, seconded by Councilor Medeiros to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. The motion passed unanimously.

Councilor Bollin made a motion to remain in Executive Session pursuant to 42-46-5(a)(5)-Acquisition or Disposition of Town Held Property. The motion was seconded by Councilor Medeiros and then passed unanimously.

Councilor Bollin made a motion to further remain in Executive Session pursuant to 42-46-5(a)(1)-Gareth Eames, Code Enforcement Officer. Councilor Medeiros seconded the motion, which passed unanimously.

For the record, Mr. Gareth Eames had been notified in writing in accordance to Open Meetings Law. Mr. Eames elected not to have the discussion in Open Session.

The Council entered into Executive Session at approximately 10:05 p.m.

The Council returned to Open Session at approximately 10:55p.m.

OPEN SESSION:

Council President Durfee announced formal action was taken in Executive Session.

Councilor Edwards motioned to seal the minutes of the Executive Session, seconded by Councilor Medeiros. Motion passed unanimously.

ADJOURNMENT:

Councilor Medeiros motioned, seconded by Councilor Edwards to adjourn. The motion passed unanimously.

The meeting adjourned at approximately 11:00 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Regular Town Council Meeting at the Town Hall on Thursday, the 30th day of June 2005 A.D. at 7:00 p.m.

ROLL CALL

Joanne M. Arruda	Cecil E. Leonard
Donald Bollin	Brian A. Medeiros
Paul E. Carroll	Arthur R. Wyman Jr.
Louise Durfee (Absent)	

Vice President, Donald Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Town Solicitor, Andrew M. Teitz was also present and Town Administrator was not in attendance.

Approval of Consent

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the Agenda.

Councilor Bollin read all the items listed as Consent Agenda.

Councilor Carroll requested those Items A-1 and A-3 is removed under Approval of Minutes as well as Item E-3 under New Business.

Councilor Leonard requested to have removed Items A-5 and A-6 under Approval of Minutes also requested the removal of Items D-4a under Financial Business, the removal of Item I-1 under Abatements and Items under Correspondence J-1 and J-2.

Councilor Arruda requested Item J-6 under Correspondence be removed from the Consent Agenda.

Mr. Carroll made a motion, seconded by Mrs. Arruda to approve the remaining items listed on the Consent Agenda. The motion made was unanimous.

The remaining items on the Consent Agenda were as follows:

Approval of Minutes Of Previous Meetings:

A-1--Special Town Council Meeting of May 16, 2005

A-4- Regular Town Council Meeting of June 13, 2005

A-7-Council Workshop Minutes of June 20, 2005

Financial Business:

D-1-Tax Collector-Request Approval of Inter-Departmental Transfers

\$450.00 from #215-535 (Telephone) to #215-623 (Supplies)

D-2-Chief Lloyd-TFD-Requests Approval of Inter-Departmental Transfer

\$300.00 from #331-640 (Station Maint.) to #331-740 (Apparatus Maint.)

D-3-Chief Blakey-Request Inter-Departmental Transfers

\$209.32 from #333-167 (Equipment) to #333-528 (Education)

\$509.32 from #333-168 (Uniform) to #333-528 (Education)

\$400.76 from #333-530 (Radio) to #333-528 (Education)

\$1,670.70 from #333-648 (Vehicle) to #333-528 (Education)

\$200.00 from #333-648 (Vehicle) to #333-640 (Building Maintenance)

Correspondence

Distributed Prior to Council Meeting

J-1-Correspondence Received from Citizens Union Regarding Grand Opening June 18th

J-2-Correspondence Received from General Assembly State of RI Commending Town's Effort to
Implement the Housing Act of 2004